



**A Guide
to Ethical Issues
in the
Kaua'i County Government**

This handbook should serve as a guide to help you understand the need for ethical practices in our Kaua‘i government. It can also help you avoid ethical mistakes and can help you recognize unfair situations that may be occurring to you or others.

Remember, this is only a summary of the laws and regulations. Please refer to the listed sources to read the ethics laws in their entirety.

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2004 County of Kaua‘i Board of Ethics

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I. Where do I find the Ethics Code?

The ethics laws that govern the Kaua'i County government can be found in several places:

1. The Kaua'i County Charter, Chapter XX
2. The Internal Kaua'i County Regulations, Standards of Conduct, Chapter 3, Article 1
3. The Mayor's Executive Decisions, written by the Mayor to the County employees. Executive Decisions are distributed to employees and then placed on file in the Personnel Office. All Executive Decisions remain in effect unless they are rescinded by the current Mayor.

II. Why do we have an ethics code?

Kaua'i has a code of ethics to establish a high level of morality and integrity in the county government. The citizens of Kaua'i need to be confident that their government provides equal and fair treatment for all people. Special personal interests or relationships should not influence an official's opinion or actions. The code of ethics not only protects the citizens of Kaua'i, but it also protects you from unfair practices within the government by management or other employees.

These ordinances are designed to avoid bias or private interests from influencing governmental decisions. Our County government needs to treat all citizens fairly. We do not want a government which favors some people and puts other people at a disadvantage. Therefore, each government officer and employee is required to be fair and impartial when carrying out his or her duties to the public. Bias or private interests must not affect how a county employee does his/her job. The public's trust in government must be maintained.

It is also important that county employees or appointed officials do not have a “conflict of interest” in performing their duties. If a county employee or official owns a business or has a second job, they must be sure that the business or outside employment does not conflict with their employment within the County of Kaua’i. If an employee is in doubt, he/she should fill out an “Outside Employment Request/Report Form” available through the Personnel Department. The Board of Ethics will review the disclosure and notify the employee of their decision.

Another thing to be aware of is “negative influence.” Personal relationships or special interests must not influence your duties as a County employee/official. Be aware that using a position within the county to work against someone, i.e., as in making it more difficult to obtain needed permits, is also a violation of the ethics code.

Some departments within the County, such as the Police Department, have a stricter code of ethics. Check with a Manager to review the departmental codes of conduct.

III. Who must follow the Kaua'i County Ethics Code?

Generally, the ethics regulations apply to all elected or appointed officers and most appointed or civil service employees. This includes full time, part time or contract employees and members of boards or commissions, whether they are paid or volunteers.

IV. Where can I get advice on an ethical issue?

You can contact the Kaua'i Board of Ethics through the Kaua'i Personnel Department or through the Mayor's office. You will be asked to put your concerns in writing and to have your signature notarized (this avoids the problem of having someone else using your name to submit a question.) The Board of Ethics will review all submissions and reply.

All initial submissions remain confidential. However, if the Board of Ethics determines that there appears to be a violation of an ethical code, the situation may require a hearing where the accused party has an opportunity to respond to the allegation. At this time, it may not be possible to keep your name anonymous.

The Board of Ethics is made up of five volunteer citizens from Kaua'i. These people are appointed by the Mayor and approved by the County Council for a three year term. Generally, the Board of Ethics meets once a month to review cases.

EXAMPLES

GIFTS:

Internal County Regulations, Article 1, Section 3-1.4, & County of Kaua'i Charter, Article XX, Section 20-02-A:

No officer or employee of the county shall: "Solicit, accept or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence him in the performance of his official duties or is intended as a reward for any official action on his part."

Example: A police officer pulls a victim out of a burning car at a Kaua'i intersection.

The family is so grateful that they want to give the Police Officer a check in appreciation.

Finding: Employees of the Police and Fire Department cannot accept the gift since the saving of a victim is considered to be an "official action" required by his job duty.

CONFIDENTIAL INFORMATION:

Internal County Regulations, Article 1, Section: 3-1.5 & County of Kaua'i Charter, Article XX, Section 20.02-B:

No officer or employee of the County shall “disclose information which, by law or practice, is not available to the public and which he/she acquires in the course of his official duties or use such information for his personal gain or for the benefit of anyone.”

Example: Andrew works in the county's Personnel Office. His office keeps a list of all the county's employees, including their home addresses and phone numbers.

Andrew is supporting a friend who is running for public office. He wants to help his friend get elected. He knows he cannot campaign at his office. So, he makes a copy of this list of addresses and phone numbers of all of the county's employees and mails the list to his friend's campaign manager. His friend's campaign manager mails out brochures soliciting votes. Andrew follows up the mailings with a personal phone call to persuade people to vote for his friend. If anyone says anything, Andrew feels he could tell people that he got all the addresses and phone numbers from the telephone book.

Finding: Andrew is in violation of the Code of Ethics. He may not disclose or use confidential information, acquired in the course of his duties as a county employee, for personal gain or for the benefit of others.

CONFLICT OF INTEREST:

Internal County Regulations, Article 1, Section 3-1.7 & County of Kaua'i Charter, Article XX, Section 20.02-C

No officer or employee of the County shall “acquire financial interest in business enterprises which he may be directly involved in official action to be taken by him.”

Example: The County employee’s duty includes the procurement of equipment and furnishings through the competitive bid process. The County needs to carpet two offices and the bids are expected to be approximately \$10,000 for materials and labor. The County employee is reviewing a written quotation submitted by the XYZ Carpet Company. Her husband is a part owner of the XYZ Carpet Company. The employee plans to recommend that the XYZ Carpet Company be selected from among the bids.

Finding: The County employee must disqualify herself from this matter and have someone else in the Department decide whether or not XYZ Carpet Company should be selected for the job.

ASSISTANCE BEFORE STATE AND COUNTY AGENCIES:

Internal County Regulations, Article 1, Section 3-1.7 & County of Kaua'i Charter, Article XX, Section 20.02-D:

“No councilmen or employee of the County shall appear on behalf of private interests before any county board, commission or agency.”

Example: A county employee is approached by a large land developer to represent the developer’s interest before the Planning Commission.

Finding: The employee may not appear before any Board or Commission on behalf of a private party.

FAIR TREATMENT:

Internal County Regulations, Article 1, Section 3-1.6 & County of Kaua'i, Article XX, Section 20.02-E:

A. No councilperson or employee of the County shall use or attempt to use his official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment for himself or others, including but not limited to the following:

1. Seeking other employment or contract for services for himself by the use or attempted use of his office or position.
2. Accepting, receiving, or soliciting compensation or other consideration for the performance of his official duties or responsibilities except as provided by law.
3. Using County time, equipment or other facilities for private business purposes.
4. Soliciting, selling or otherwise engaging in a substantial financial transaction with a subordinate or person or business whom he inspects or supervises in his official capacity.

Example: A County Council member puts pressure on the Planning Commission to re-zone his mother's residential property so she can use the property for a commercial development.

Finding: No councilperson or employee may use their official position to gain unwarranted advantages.

DISCLOSURES:

Internal County Regulations, Article 1, Section 3-1.9 & County of Kaua'i Charter, Article XX, Section 20.04:

“The mayor, councilpersons, all department heads and deputies, members of boards and commissions and the purchasing agent shall, within thirty (30) days of assuming office, file with the Board of Ethics a list of all real property within the County in which he has any right, title or interest; a list of all business firms which contract for County business in which he has any interest; all places of employment, including part-time employment; and all sources and amounts of income, business ownership, officer and director positions, debts, creditor interests in insolvent businesses and the names of persons represented before government agencies.

VI. Penalties for violations of the Ethics Code

Internal County Regulations, Article 1, Section 3-1.11 & County of Kaua'i Charter, Article XX, Section 20.04-C:

“In addition to any other penalty provided by law” includes:

1. voiding any contracts or County action that the County may have entered during the violation,
2. recovering any fee, compensation, gift or profit received during the violation and could include a fine,
3. suspension or removal from office or employment.

IMPORTANT-PLEASE READ

The information provided in this handbook is only a *partial review* of the Ethics Code. Please refer to the Kaua'i County Charter and County Internal Regulations for a full review of the Ethics Code. You may also submit questions to the Board of Ethics through the Mayor's office.